

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,) CASE NO.: 05-459M
Plaintiff,)
v.) DETENTION ORDER
JOSE FRANCO-PENA,)
Defendant.)

Offense charged:

Illegal Reentry after Deportation

Date of Detention Hearing: Initial Appearance, September 21, 2005

The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and based upon the factual findings and statement of reasons for detention hereafter set forth, finds that no condition or combination of conditions which defendant can meet will reasonably assure the appearance of defendant as required and the safety of other persons and the community.

FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

(1) Defendant is charged with reentering the United States without permission after being previously arrested and deported.

(2) Defendant's criminal records history includes multiple prior deportation proceedings and illegal entry charges. Defendant is associated with 22 aliases and nine different

01 dates of birth.

02 (3) Defendant is a native and citizen of Mexico. No other information is available
03 regarding his personal history, residence, family ties, ties to this District, income, financial assets
04 or liabilities, physical/mental health or controlled substance use if any.

05 (4) An immigration detainer has been filed. Defendant does not contest detention.

06 (5) Defendant poses a risk of nonappearance due to his status as a native and citizen
07 of Mexico who has been previously deported, unknown background information, association with
08 multiple aliases, and immigration detainer. Defendant poses a risk of danger based on his criminal
09 history.

10 (6) There does not appear to be any condition or combination of conditions that will
11 reasonably assure the defendant's appearance at future Court hearings while addressing the danger
12 to other persons or the community.

13 It is therefore ORDERED:

14 (1) Defendant shall be detained pending trial and committed to the custody of the
15 Attorney General for confinement in a correction facility separate, to the extent
16 practicable, from persons awaiting or serving sentences or being held in custody
17 pending appeal;

18 (2) Defendant shall be afforded reasonable opportunity for private consultation with
19 counsel;

20 (3) On order of a court of the United States or on request of an attorney for the
21 Government, the person in charge of the corrections facility in which defendant is
22 confined shall deliver the defendant to a United States Marshal for the purpose of
23 an appearance in connection with a court proceeding; and

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01 (4) The clerk shall direct copies of this Order to counsel for the United States, to
02 counsel for the defendant, to the United States Marshal, and to the United States
03 Pretrial Services Officer.

04 DATED this 21st day of September, 2005.

05 
06 Mary Alice Theiler
07 United States Magistrate Judge